

Notice of Allowability

Application No.

10/602,761

Examiner

Nicholas D. Rosen

Applicant(s)

SMITH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of October 4, 2005.
2. ☒ The allowed claim(s) is/are 16-20 and 30-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Claims 16-20 and 30-40 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Anthony Kandare on October 20, 2005.

The application has been amended as follows: In claim 30, the words "the data processor performing" in the third line are hereby replaced by **"the data processor programmed to perform"**.

The Abstract is hereby replaced by the following Abstract: **"A financial communications network incorporating a data health monitor is provided that includes a plurality of data sources, a plurality of data collection systems, a client site terminal and a network connecting these components. Each data collection system includes a processor for receiving and formatting financial data received from the data sources, wherein the formatted financial data has a data field including a first data source identifier identifying the data source of the formatted financial data and a first system identifier identifying the data collection system formatting the formatted financial data. The collection system also includes a**

status code generator for generating and transmitting a status code, and a heartbeat signal generator for generating and periodically transmitting a heartbeat signal. Based on information in data fields, status codes, and heartbeat signal, client site terminals select a real-time or stale display mode for displaying the financial data."

Allowable Subject Matter

Claims 15-20 are allowed.

Claims 30-35 are allowed.

Claims 36-40 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Naron et al. (U.S. Patent 4,807,224), discloses a method of identifying non real-time data transmitted through a communications network, the method comprising: receiving at a data processor data from a data source; formatting the data to include an identifier; and transmitting the data via a communications network. Naron does not disclose formatting the data to include a data source identifier corresponding to the data source and a system identifier corresponding to the data processor, and transmitting the *formatted* data to a client site. However, it is in itself well known to transmit data to client sites. Naron discloses determining the operational status of a data source, and the system failure detection of Naron (columns 11 and 12) can be taken as implying generating an internal data source signal status, but Naron does not disclose transmitting the data source signal status to a client site via the

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communications network. Mano et al. (U.S. Patent 5,793,366) disclose display of the status of devices, which can be data sources, but again, without transmission of appropriately formatted data and data source signal status to a client site. Likewise, the anonymous article "Bits and PC's" discloses color to color flashing, and a watchdog timer to prevent stale data from being displayed (description of "Supervisor SBD Plus II"), but again, without transmission of appropriately formatted data and data source signal status to a client site. The prior art of record does not disclose or reasonably suggest a data processor acting as a server to carry out such a process for client sites, and transmitting data accordingly.

Claim 36 is interpreted as reciting computer-executable instructions, not only computer-readable instructions, based on the words, "causing a computer to perform the steps."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

October 20, 2005